

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Tony Dejuan Jackson,

No. 22-cv-3074 (KMM/DLM)

Plaintiff,

v.

ORDER

Paul Schnell, et al.,

Defendant.

This matter is before the Court on plaintiff Tony Dejuan Jackson’s application to proceed on appeal without prepayment of fees. ECF 118. The Court previously held this appellate IFP application in abeyance to allow Mr. Jackson to file a certificate of an authorized prison official showing the average monthly balance and average monthly deposits in Jackson’s prison trust account for the six months preceding his notice of appeal. The Court did so because, under the PLRA, it needs to calculate an initial partial appellate filing fee, which Mr. Jackson must pay to proceed IFP on appeal. *See* 28 U.S.C. § 1915(b)(1). That initial fee is calculated by determining “20 percent of the greater of— (A) the average monthly deposits to the prisoner’s account; or (B) the average monthly balance in the prisoner’s account for the 6-month period immediately preceding the filing of the complaint or notice of appeal.” *Id.* § 1915(b)(1)(A)–(B). Based on the information provided in the certificate Mr. Jackson filed on October 28, 2024, Mr. Jackson must pay an initial partial filing fee of \$42.26. Accordingly, and consistent with the Court’s previous

Order concerning Mr. Jackson's appellate IFP application, ECF 120, **IT IS HEREBY ORDERED THAT:**

1. Plaintiff's appellate IFP application, ECF 118, is **GRANTED**.
2. Plaintiff must pay an initial partial appellate filing fee of \$42.26.
3. After receipt of Plaintiff's initial partial appellate filing fee, Plaintiff must pay the remaining unpaid balance (\$562.74) of the \$605 statutory filing fee for his appeal in the manner prescribed by 28 U.S.C. § 1915(b)(2), and the Clerk of Court shall provide notice of this requirement to the authorities at the institution where Plaintiff is confined.

Date: November 4, 2024

s/Katherine Menendez

Katherine Menendez
United States District Court